



MEMORANDUM

To: Honorable, Judith G. Dein, U.S. Magistrate Judge
From: David A. Picozzi, U.S. Pretrial Services Officer
Re: Goldsmith, Joshua
CR#03-10234-MLW
Date: November 1, 2004

This memorandum is being submitted to advise Your Honor that Mr. Goldsmith has violated his conditions of release by testing positive for the use of Marijuana and by failing to report as directed to Pretrial Services.

Mr. Goldsmith last appeared before Your Honor on May 25, 2004, in response to an Indictment charging him with Conspiracy to Possess with Intent to Distribute Marijuana and Procession with Intent to Distribute Marijuana. Your Honor ordered the defendant released on a \$20,000 unsecured bond and conditions to include:

1. Reporting to Pretrial Services as directed
2. No use or possession of any controlled substances
3. Participation in a drug treatment program if deemed necessary by Pretrial Services

As a courtesy to the District of Massachusetts the Central district of California Pretrial Services Agency agreed to supervise Mr. Goldsmith's release.

On September 27, 2004, this officer received notification from Pretrial Services Officer Devona Gardner in the CD/CA. She advised that the defendant had failed to report as directed and had not been in contact with PSO Gardner since 8/30/04 (despite numerous attempts by PSO Gardner to contact the defendant). The defendant had advised PSO Gardner that he would be traveling to the District of Massachusetts to meet with his attorney and to attend medical appointments. Mr. Goldsmith left the CD/CA on 9/1/04 and was scheduled to return on 9/7/04. Mr. Goldsmith was instructed to contact PSO Gardner upon his return. In response to the defendant's failure to report, this officer eventually contacted Mr. Goldsmith and advised him that any future non-compliance would result in a violation notice to the Court. This officer could not confirm that Mr. Goldsmith met with his attorney or that he attended any medical appointments while in this district.

On October 20, 2004, PSO Gardner advised that the defendant reported to the Pretrial Services Office on October 18, 2004 and after a two hour period of stalling produced a drug test that was positive for the use of marijuana. Confirmation of the test reflected that this positive result was from new drug use.

At this officer's request PSO Gardner provided this officer with the following information in regards to Mr. Goldsmith's drug testing:

<u>Date Collected</u>	<u>Confirmed Positive</u>	<u>Nanogram Level</u>
7/19/04	Marijuana	290 ng/ml
8/2/04	Marijuana	54 ng/ml
8/18/04	Marijuana	155 ng/ml
8/24/04	Marijuana	262 ng/ml
9/28/04	Marijuana	368 ng/ml
10/18/04	Marijuana	553 ng/ml

NOTE: The increase in nanogram levels from 8/18/04 to 10/18/04 is indicative of new and reoccurring drug use.

Additionally, Mr. Goldsmith failed to report to Pretrial Services for drug testing as directed on the following dates: October 17, 2004, October 26, 2004, October 29, 2004.

This officer would suggest that Mr. Goldsmith does not have the ability to abide by the conditions of release as imposed by the Court. Mr. Goldsmith has continually violated his conditions and refuses to respond to the directions of Pretrial Services. This officer would respectfully request that a warrant be issued for Mr. Goldsmith's arrests and recommends that his bail be revoked.

CC: Robert L. Peabody, AUSA
Stephen B. Hrones, Counsel for the Defendant.

Reviewed by:

Vangie Cuascut

Vangie Cuascut
Supervising U.S. Pretrial Services Officer